IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

TUESDAY, THE 2ND JANUARY 2007 / 12TH PAUSHA 1928

Crl.Rev.Pet.No. 2 of 2007()

CRA.351/2000 of ADDL.SESSIONS COURT (SPL.CAURT), KOTTAYAM
CC.561/1995 of CHIEF JUDICIAL MAGISTRATE COURT, KOTTAYAM

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REVN. PETITIONER: APPELLANT/ACCUSED.

K.S.MANOJ KUMAR, S/O.SREENIVASAN,
PADINJARAKKARA CHAMBERS, KOTTAYAM,
REPRESENTED BY POWER OF ATTORNEY HOLDER
T.V.BALARAMAN, AGED 68 YEARS, S/O.T.R.VELUNNY,
THOTTATHIL HOUSE, PRESIDENCY AVENUE,
KANIMANGALAM P.O., TRICHUR.

BY ADV. SRI.VAKKOM N.VIJAYAN
SRI.P.ANIYAN
SMT.REENA.C.STEPHENSON
SRI.A.S.SACHIN
SMT.VINITHA PRASANNAN

RESPONDENTS - RESPONDENTS - COMPLAINANT & STATE:

1. K. VIJAYA KUMAR, AGED 52 YEARS,
S/O. P.K. VASUDEVAN NAIR, 'SARIGA'
THAMARAKULANGARA, TRIPUNITHURA,
ERNAKULAM.

2. STATE OF KERALA, REPRESENTED BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SMT.LIGEY ANTONY
BY PUBLIC PROSECUTOR SHRI MOHAMED PUZHAKKARA

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 02/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. PADMANABHAN NAIR, J.

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CRL. R.P. NO. 2 of 2007

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Dated this the 2nd day of January, 2007

O R D E R

Heard. Admitted. Smt. Ligey Antony took notice for first respondent and Public Prosecutor for second respondent. Criminal Revision Petition itself is heard and disposed of as agreed to by both parties.

2. Parties have settled the matter and filed Crl.M.A. No.7 of 2007, for compounding the offence. Today, I have allowed that application. In the circumstances, Crl.R.P. is only to be allowed.

In the result, Criminal Revision Petition is allowed. Conviction and sentence imposed on the revision petitioner are set aside. Revision Petitioner is acquitted under Section 320(8) of the Criminal Procedure Code.

K. PADMANABHAN NAIR, JUDGE.

vsv

K. PADMANABHAN NAIR, J.

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CRL. M.A. NO. 7 OF 2007

IN

CRL. R.P. NO. 2 OF 2007

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Dated this the 2nd day of January, 2007

O R D E R

This is an application filed for compounding the offence. Petitioner was found guilty of an offence punishable under Section 138 of the Negotiable instruments Act. He was convicted and sentenced to undergo rigorous imprisonment for 6 months and to pay a fine of Rs.1,35,000/-. In default of payment of fine, petitioner was directed to undergo rigorous imprisonment for 3 months. That sentence was modified by the appellate court and reduced to simple imprisonment for 2 months and payment of compensation of Rs.1,35,000/-. It is stated by parties that matter has been settled and first respondent has received the entire amount. In the circumstances, prayer in the application is only to be allowed.

In the result, application is allowed. Offence is compounded.

K. PADMANABHAN NAIR, JUDGE.

vsv

K. PADMANABHAN NAIR, J.

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CRL. R.P. NO.

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O R D E R

JANUARY, 2007

K. PADMANABHAN NAIR, J.

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W.P(C) NO.

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J U D G M E N T

DECEMBER, 2006